

2. Claims 28 – 31, 34 and 35 were objected to as being dependant upon a rejected base claim, but were thought by the Examiner to be allowable if rewritten in independent form including all of the limitations of the base claim an any intervening claims. Applicant has amended claim 28 to present it in independent form. The amendment includes the limitations of its previous base claim, claim 25, and the intervening claim, claim 26. Claims 29 – 31, 34 and 35 now depend upon claim 28 as amended and thus include all of its limitations. It is respectfully suggested that claims 28 – 31, 34 and 35 are now in condition for allowance.

3. With respect to claims 25 – 27, these claims were rejected under 35 U.S.C. § 102(e) as being anticipated by Zamfes (US 6,386,026). It was thought that Fig. 3 of Zamfes discloses the limitation of claims 25 – 27. It is respectfully suggested that Zamfes does not disclose each and every limitation of Applicants' claims 25 – 27. Zamfes disclosure is predicated on taking discrete "representative samples" of drill cuttings from the cuttings stream and depositing these samples into sample bags for cuttings analysis. As set forth in Zemfes at Col 4, lines 35 – 39, *"The metering device 27 only collects a plurality of small, discrete representative samples 8 of predetermined volume forcing the first screw 22 to carry the remainder of the cuttings 6 away as waste."* Nothing is Zamfes discloses the use of collapsible storage bags as means of retaining drill cuttings disposal. In fact, Zamfes teaches away from this use as it suggest samples bags for analysis samples only and specifically suggested that the remainder of the cuttings stream

is not to be bagged but carried away as waste with no ultimate disposal method suggested. Applicants' claims 25 – 27 are directly related to a method of disposing drill cuttings produced from the drilling mud of a drilling mud system of an oil and gas well drilling rig. This limitation is clearly set forth in the preamble to claim 25.

It might be argued that the preamble is merely a statement of intended use that cannot be considered as a limitation of the claim. It is respectfully suggested that “disposing drill cuttings produced from the drilling mud of a drilling mud system of an oil and gas well drilling rig” is indeed a limitation of claim 25. Claims must be construed in light of the entirety of material contained in the disclosure. *Rowe v. Dror*, 42 USPQ2d 1550 (Fed. Cir. 1997). The entire specification is directed to a method and apparatus for use in combination with an oil and gas well during drilling. The preamble of claim 25 clearly refers to the “method of disposing drill cuttings produced from the drilling mud of a drilling mud system” and adds additional steps to the method. The preamble to claims 26 and 27 clearly refer back to structure “drilling mud system” as defined in the preamble of claim 1.

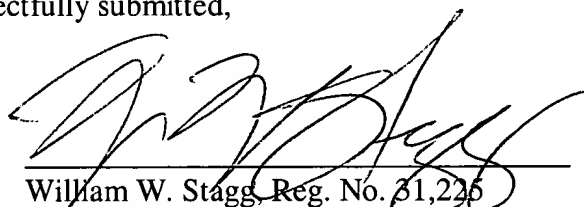
Giving the term “method of disposing drill cuttings produced from the drilling mud of a drilling mud system” meaning as a limitation is in line with the holding in *Hewlett-Packard Co. v. Repeat-O-Type Stencil Manufacturing Corp.*, 43 USPQ2d 1650 (Fed. Cir. 1997). There the court found that the preamble of each claim clearly states that it relates to an “ink jet pen including” the recited limitations. The claim term “including” is synonymous with “comprising,” thereby permitting the inclusion of

unnamed components. Similarly, in *In re Alappat*, 31 USPQ2d 1545 (CA FC 1994) the court held that the word "rasterizer" in the preamble was not a mere "field-of-use" limitation, but limits the claimed subject matter to the production of "output illumination data." Because claims must be interpreted in light of the entire specification, and in light of the arguments made herein, it is respectfully suggested that the limitations of claims 25 – 27 are not anticipated by Zamfres (US 6,386,026) under 35 U.S.C. § 102(e).

Considering the foregoing, it is respectfully requested that the amendments to the claims be entered into the record, that the rejections and objections currently pending be withdrawn, and that all of the claims currently pending be allowed and that this case be passed to issue.

Respectfully submitted,

By:



William W. Stagg, Reg. No. 31,226
Durio, McGoffin, Stagg & Ackermann, P.C.
P.O. Box 51308
Lafayette, LA 70505
337-233-0300; Fax 337- 233-0694
Attorney for Applicants